



OFFICIAL GAZETTE

GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette, Series I No. 52 dated 25-3-99 namely, Extraordinary dated 30-3-99 from pages 719 to 720 regarding Notification from Department of General Administration.

GOVERNMENT OF GOA

Department of General Administration

Notification

3/1/87-GA&C(i)

In exercise of the powers conferred by Article 166 of the Constitution and all other powers enabling him in this behalf, the Governor of Goa hereby makes the following rules so as to further amend the Business of the Government of Goa (Allocation) Rules, 1987, namely:—

1. *Short title and commencement.*— (1) These Rules may be called the Business of the Government of Goa (Allocation) (Sixth Amendment) Rules, 1999.

(2) They shall come into force at once.

2. *Amendment of Schedule.*—In the Schedule appended to the Business of the Government of Goa (Allocation) Rules, 1987, after entry at serial No. 17, the following shall be inserted, namely:—

“17A. Department of Information Technology”.

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary(A).

Panaji, 5th March, 1999.

Department of Food & Civil Supplies

Directorate of Civil Supplies and Price Control

Order

10/1/78-CSD (Vol. II)

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Order of the Government of India GSR 800 dated 9th June, 1978 and with the prior concurrence of the Government of India, Ministry of Food, conveyed vide letter No. 5 (Genl) (6)/96-D&RI dated 9th December, 1996, the Government of Goa hereby makes the following Order so as to further amend the Goa, Daman and Diu Foodstuffs Dealers Licensing Order, 1979, as follows:—

1. *Short title, extent and commencement.*— (1) This Order may be called the Goa Foodstuffs Dealers Licensing (Amendment) Order, 1999.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Amendment of Schedule.*— In the Goa, Daman and Diu Foodstuffs Dealers Licensing Order, 1979.—

(i) in Schedule I, after entry at Sr. No. 21, the following entry shall be inserted, namely:—

“22. -Wheat.”,

(ii) in Schedule II, against entry No. (v), for the words “All foodgrains taken together except wheat and rice”, the words “All foodgrains taken together except rice” shall be substituted.

By order and in the name of the Governor of Goa.

S. P. Dixit, Director of Civil Supplies and Price Control and Ex-Officio Joint Secretary.

Panaji, 12th March, 1999.

Department of Law & Judiciary

Legal Affairs Division

Notification

10-4-99/LA-I

The Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999 (Ordinance No. 5 of 1999) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 11th January, 1999 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 5th February, 1999.

**MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS**
(Legislative Department)

New Delhi, the 11th January, 1999/Pausa 21, 1920
(Saka)

**THE URBAN LAND (CEILING AND REGULATION)
REPEAL ORDINANCE, 1999**

(No. 5 of 1999)

Promulgated by the President in the Forty-ninth Year of the Republic of India.

An Ordinance to repeal the Urban Land (Ceiling and Regulation) Act, 1976.

Whereas it is considered necessary to repeal the Urban Land (Ceiling and Regulation) Act, 1976;

And Whereas Parliament has no power to make laws for the States with respect to the aforesaid matter except as provided in articles 249 and 250 of the Constitution;

And Whereas in pursuance of clause (2) of article 252 of the Constitution resolutions have been passed by the Legislatures of the States of Haryana and Punjab to the effect that the aforesaid Act should be repealed in those States by Parliament by law;

And Whereas the Urban Land (Ceiling and Regulation) Repeal Bill, 1998 has been introduced in Parliament but has not yet been passed;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the said Bill with certain modifications;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, application and commencement.*— (1) This Ordinance may be called the Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999.

(2) It applies in the first instance to the whole of the States of Haryana and Punjab and to all the Union territories; and it shall apply to such other State which adopts this Ordinance by resolution passed in that behalf under clause (2) of article 252 of the Constitution.

(3) It shall come into force in the States of Haryana and Punjab and in all the Union territories at once and in any other State which adopts this Ordinance under clause (2) of article 252 of the Constitution on the date of such adoption; and the reference to repeal of the Urban Land (Ceiling and Regulation) Act, 1976 shall, in relation to any State or Union territory, mean the date on which this Ordinance comes into force in such State or Union territory.

2. *Repeal of Act 33 of 1976.*— The Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as the principal Act) is hereby repealed.

3. *Savings.*— (1) The repeal of the principal Act shall not affect—

(a) the vesting of any vacant land under sub-section (3) of section 10, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority;

(b) the validity of any order granting exemption under sub-section (1) of section 20 or any action taken thereunder, notwithstanding any judgment of any court to the contrary;

(c) any payment made to the State Government as a condition for granting exemption under sub-section (1) of section 20.

(2) Where—

(a) any land is deemed to have vested in the State Government under sub-section (3) of section 10 of the principal Act but possession of which has not been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority; and

(b) any amount has been paid by the State Government with respect to such land,

then such land shall be restored unless the amount paid, if any, has been refunded to the State Government.

4. *Abatement of proceedings.*— All proceedings relating to any order made purported to be made under the principal Act pending immediately before the commencement of this

SERIES I No. 1

Ordinance, before any court, tribunal or any authority shall abate:

Provided that this section shall not apply to proceedings relating to sections 11, 12, 13 and 14 of the principal Act in so far as such proceedings are relatable to the land, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by competent authority.

K. R. NARAYANAN,

President.

RAGHBIR SINGH,

Secy. to the Govt. of India.

Notification

10-4-99/LA-II

The Railway Claims Tribunal (Amendment) Act, 1998 (Central Act 4 of 1998), which has been passed by Parliament and assented to by the President of India on 2nd January, 1999, and published in the Gazette of India, Extraordinary, Part II, section I, dated 2nd January, 1999 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 10th March, 1999

THE RAILWAY CLAIMS TRIBUNAL (AMENDMENT) ACT, 1998

AN

ACT

further to amend the Railway Claims Tribunal Act, 1987.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Railway Claims Tribunal (Amendment) Act, 1998.

2. *Insertion of new section 30A.*— After section 30 of the Railway Claims Tribunal Act, 1987, the 54 of 1987, following section shall be inserted, namely:—

“30A. *Power to make rules retrospectively.*— The power to make rules under clause (b) of sub-section (2) of section 30 shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but

no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.”

Notification

10-4-99/LA-IV

The Export-Import Bank of India (Amendment) Act, 1998 (Central Act 1 of 1999) which has been passed by Parliament and assented to by the President of India on 2nd January, 1999 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 2nd January, 1999 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 10th March, 1999.

THE EXPORT-IMPORT BANK OF INDIA
(AMENDMENT) ACT, 1998

AN

ACT

further to amend the Export-Import Bank of India Act, 1981.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Export-Import Bank of India (Amendment) Act, 1998.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 4 of Act 28 of 1981.*— In section 4 of the Export-Import Bank of India Act, 1981, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The authorised capital of the Exim Bank shall be one thousand crores of rupees:

Provided that the Central Government may, by notification, increase the said capital up to two thousand crores of rupees.”

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Department of Panchayat Raj & Community
Development

Directorate of Panchayats

Notification

26/DP/PAN/RD/98

The following draft rules which are proposed to be made under sub-sections (2), (4) and (5) of section 154, read with clause (b) of sub-section (1) and sub-section (3) of section

197 and section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), is hereby prepublished as required by sub-section (1) of section 240 of the said Act, for information of the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of a period of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestion to the said draft rules may be forwarded to the Director of Panchayats and Ex-Officio Joint Secretary to the Government of Goa, Junta House, 3rd Lift, 3rd Floor, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

DRAFT RULES

In exercise of the powers conferred by sub-sections (2), (4) and (5) of section 154, read with clause (b) of sub-section (1) and sub-section (3) of section 197 and section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Preliminary

1. *Short title and commencement.*— (1) These rules may be called the Goa Panchayat Raj (Recovery of taxes, fees and other dues) Rules, 1999.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires.—

(a) "Act" means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) "auction holder" means a holder of premises belonging to a Panchayat or a Zilla Panchayat on highest bid in auction;

(c) "defaulter" means a person who fails to pay the Panchayat or the Zilla Panchayat dues on or before the due date of payment and includes wilful defaulter;

(d) "dues" means any tax or fee or rent or any other sum due from a person to the Panchayat or Zilla Panchayat; as the case may be;

(e) "Form" means a form appended to these rules;

(f) "lessee" means a holder of premises belonging to a Panchayat or a Zilla Panchayat as the case may be on lease basis and includes a periodic lessee;

(g) "Secretary" means the Secretary of the Panchayat;

(h) "Section" means a section of the Act;

(i) "Words and expression" used and not defined under these rules shall have the same meaning as respectively assigned to them under the Act.

II. Recovery of Panchayat Dues

3. *Person to recover tax or fee or rent or any other dues.*— The Secretary of the Village Panchayat shall recover or cause to be recovered the tax or fee or rent or any other dues imposed or levied by the Village Panchayat.

4. *Receipt for payment.*— For all sums paid on account of any tax or fee or rent or any other amount due to the Village Panchayat, a receipt whereof shall be issued by the person receiving the same. Such receipt shall be in Form I hereto.

5. *Presentation of bill.*— The bill presented under sub-section (1) of section 154 of the Act shall be in Form II appended to these rules, which shall be signed by the Secretary of the Panchayat and shall contain the following:—

(i) a statement of the period of occupation, a description of the property or thing for which the tax or fee or rent or any other sum due to the Village Panchayat is charged and other particulars of the demand; and

(ii) statement regarding notice of demand which may be issued in default of payment.

6. *Notice of demand.*— (1) Every notice of demand made under sub-section (2) of section 154 of the Act shall be in Form III appended to these rules.

(2) For every notice of demand a fee shall be chargeable at the following rates, namely:—

	Rs.
i) When the amount demanded does not exceed Rs. 100/-	... 5/-
ii) When the amount demanded exceeds Rs. 100/- but does not exceed Rs. 250/-	... 10/-
iii) When the amount demanded exceeds Rs. 250/- and above	... Rupees 10/- for the first Rs. 250/- and for every additional amount of Rs. 100/- or part thereof Rs. 5/-

(3) A notice of demand shall be signed by the Secretary of the Panchayat and shall be effected by him or by an Officer of the Panchayat duly authorised by him in this behalf, in the manner as laid down under clauses (a) to (d) of sub-section (3) of section 154 of the Act.

7. *Warrant of distress.*— (1) If the person liable to pay any dues for which notice of demand has been served on him does not, within thirty days from the date of service of such notice of demand, either—

(i) pay the sum demanded in the notice, or

(ii) show sufficient cause to the satisfaction of the Secretary for the non-payment of the sum demanded, a warrant of

distraint in Form IV shall be issued as provided under sub-section (4) of section 154 of the Act.

(2) For every warrant of distraint issued a fee at the rate of 0.50 paise for every amount of Rs. 10/- or part thereof shall be charged.

8. *Warrant of distraint to be signed and executed.*— Every such warrant of distraint shall be signed by the Sarpanch or in his or her absence by the Deputy Sarpanch and shall be executed by the Secretary.

9. *Manner of executing warrant.*— The Secretary shall before making a distraint of movable property, demand payment of the tax, fee or other dues and the fee on notice of demand. If the tax, fee or other dues and the fee on notice of demand are paid, no distraint shall be made but if it is not paid, the Secretary shall,—

(i) seize such moveable property of the defaulter as he may think necessary;

(ii) make an inventory of the property seized; and

(iii) give to the person in possession of the property seized at the time of the seizure, a copy of the inventory and a notice of sale in Form V:

Provided that, a period of seven days shall be allowed for paying the amounts due and redeeming the properties seized.

(2) No person executing warrant of distraint, directing or authorising the seizure of moveable property shall enter a dwelling house after sun-set and before sun-rise.

(3) Under a special order in writing of the Sarpanch, the Secretary who is charged with the execution of a warrant of distraint may, between sun-rise and sun-set, break open any outer or inner door or window of a building in order to execute warrant of distraint and if he has reasonable ground for believing that such building contains property which is liable to seizure and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that the Secretary shall not enter or break open the door of any apartment appropriated to women until he has given three hours notice of his intention and has given such women an opportunity to withdraw.

10. *Distraint of goods or chattels of defaulter.*— The Secretary shall distraint any goods or chattels of the person named in the warrant of distraint:

Provided that—

(a) (1) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, of his wife and children and such other personal ornaments as in accordance with religious usage, cannot be parted with by any woman;

(2) the tools of artisans;

(3) if the defaulter is an agriculturist his implements of husbandry, seed, grain, and such cattle as may be necessary to enable him to earn his livelihood shall not be distrained.

(b) the property distrained shall be as nearly as possible, equal in value to the amount recoverable under the warrant of distraint and if any property has been distrained which in the opinion of the person authorised to sign the warrant of distraint should not have been so distrained, it shall forthwith be returned to the person in whose possession it was at the time of distraint.

11. *Inventory of goods and chattels distrained and notice for sale.*— The Secretary shall forthwith make an inventory of the goods and chattels which he has seized under warrant of distraint and shall at the same time give a written notice of sale in Form IV hereto to the person in whose possession it was at the time of seizure, that the said goods and chattels shall be sold if he fails to pay within seven days from the date of receipt of notice, the amount recoverable under the notice of sale together with the cost of recovery:

Provided that, the Secretary shall not remove any property distrained but shall keep it with the defaulter on his giving a surety for the amount equal to the value of the property distrained, whenever required:

Provided further that, when the property distrained is subject to speedy and natural decay, or when the expenses of keeping it in custody together with the amount to be recovered is likely to exceed its value, the person by whom the warrant was signed at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly, unless the amount specified in the warrant of distraint is paid forthwith:

Provided also that, after the property is distrained and before it is removed, the sum due by the defaulter together with all cost, penalty and fees incidental to the service of notices and warrant of distress of the property are paid, the Secretary shall not remove the property.

12. *Copy of notice for sale to be affixed at Village Panchayat Office.*— A copy of the notice for sale shall also be affixed at the office of the Village Panchayat.

13. *Auction of goods and chattels seized.*— The goods and chattels seized shall, after the expiry of the period named in the notice for sale, be sold by the Village Panchayat by public auction held at the office of the Village Panchayat:

Provided that no servant or office bearer including Secretary or member of the Village Panchayat shall be permitted to bid at such auction.

14. *Disposal of surplus sale proceeds.*— The surplus if any of the sale proceeds of the distrained goods and chattels shall after satisfying the claims of the Village Panchayat shall be paid to the person in whose possession the goods and chattels were at the time of its distraint.

15. *Cost of maintaining livestock.*— The cost of maintaining any livestock seized shall be chargeable at the following rates, namely:—

1. For every buffalo, horse, mare, pony, bull, bullock or cow	... Rs. 25.00 per day
2. For every colt, calf, heifer, mule or ass	... Rs. 20.00 per day
3. For every pig, sheep, lamb, goat or kit	... Rs. 15.00 per day
4. For every bird including cock, hen	... Rs. 10.00 per day

16. *Recovery as an arrear of land revenue.*— If a Village Panchayat is unable to recover a tax or fee or other sum due to it as aforesaid, the Secretary may furnish to the respective Mamlatdar of Taluka a statement of the arrears due with a request for the recovery of the same and on receipt of such statement of arrears, the said Mamlatdar shall proceed to recover the same in accordance with the provisions of the Goa Land Revenue Code, 1968 (Act 9 of 1969) and the Rules made thereunder.

III. Recovery of Zilla Panchayat dues

17. *Person to recover the amount due to Zilla Panchayat.*— The Chief Executive Officer or an Officer duly authorised him in writing in this behalf (hereinafter referred to as the authorised Officer), shall recover or cause to be recovered the tax or fee or rent or any other dues imposed or levied by the Zilla Panchayat.

18. *Receipt for payment.*— For all sums paid on account of any tax or fee or other amount due to the Zilla Panchayat, under the Act or under any rules or regulations made thereunder a receipt shall be issued by the person receiving the same.

19. *Notice of demand.*— Every Notice of demand under clause (b) of sub-section (1) of section 197 of the Act, shall be in Form III hereto which shall be signed by the Chief Executive Officer or the authorised Officer.

20. *Warrant of distress.*— Every distress warrant issued under sub-section (3) of section 197 of the Act shall be in the Form IV hereto, which shall also be signed by the Chief Executive Officer or the authorised Officer.

21. *Inventory of goods distrained and notice for sale.*— The inventory of the goods distrained and made under sub-section (4) of section 197 of the Act and notice for sale shall be in the Form V hereto which shall be signed by the Chief Executive Officer or the authorised Officer.

22. *Applicability of procedure to Zilla Panchayat.*— The procedure specified in sub-rule (2) of rule 6 and in rules 10 to 16, shall mutatis mutandis apply to the recovery of Zilla Panchayat dues and the word "Secretary" wherever appears, shall be construed as "Chief Executive Officer" or authorised Officer and word "Village Panchayat" as "Zilla Panchayat".

IV. Recovery of Rent of Premises

23. *Recovery of rent of premises of Panchayat or Zilla Panchayat.*— The Secretary of the Panchayat or the Chief Executive Officer or the authorised Officer, as the case may be in the event of failure to execute the warrant of distress for the recovery of rent of the premises auctioned or leased by the Panchayat or the Zilla Panchayat, as the case may be, or that the amount so recovered by executing the warrant of distress fall short to cover up the total sum due from the defaulter or the lessee or auction holder, towards the payment of rent alongwith all incidental charges to the Panchayat or the Zilla Panchayat as the case may be, shall be recovered as provided in these Rules, after sealing and or locking the premises leased or auctioned by the panchayat or the Zilla Panchayat, as the case may be, and that the same shall continue to be sealed and or locked until the amount due to the Panchayat or Zilla Panchayat, as the case may be, is fully paid by the defaulter or the lessee:

Provided that the Secretary of the Panchayat or the Chief Executive Officer or authorised Officer as the case may be may release the premises sealed or locked, if the defaulter produces a bank guarantee to clear the dues within a certain period not exceeding one month from the date of sealing or locking the premises:

Provided further that, the lessee or auction holder or any person occupying the premises auctioned or leased by the Village Panchayat or the Zilla Panchayat, as the case may be, shall not claim any compensation or loss caused to him for closure of business due to sealing or locking the premises by the Secretary of the Panchayat or the Chief Executive Officer or the authorised Officer for the purpose of effecting the recovery of Panchayat or Zilla Panchayat dues, as the case may be.

24. *Prosecution of a defaulter.*— (1) If for any reason the distress or sufficient distress of the defaulter's property is impracticable, the Sarpanch of the Panchayat or the Chief Executive Officer as the case may be, may prosecute the defaulter before a Magistrate.

(2) Every person who is prosecuted under sub-rule (1) above shall be liable, on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distress or sufficient distress, to pay a fine not exceeding twice the amount which may be due by him on account of.—

(i) the tax, fee or other amount due and the fee on notice of demand, if any; and

(ii) if distress has taken place the distress fee and the expenses incidental to the detention and sale, if any, of the property so distrained.

(3) Whenever any person is ordered to pay under sub-rule (2), the Magistrate, shall in addition to any fine which may be imposed, recover summarily and pay over to the Village Panchayat or Zilla Panchayat, as the case may be the amounts if any due under clauses (a) and (b) of sub-rule (2) above and may in his discretion, also recover summarily and pay the

FORM - IV

[See rule 7 (1) and 20]

Form of Warrant of Distraint

(Here insert the name of the Secretary/Officer charged with the execution of Warrant).

Whereas Shri/Smt. residing at has not paid the sum of Rs. due to Village Panchayat/ Zilla Panchayat for the tax/fee for which a notice of demand was served on him/her on

This is to command you to distrain the goods and chattel of the said to the amount of Rs. being the amount due from him as follows:—

Rs. P.

On account of the said tax/fee/rent ...

For service of notice of demand ...

For service of Warrant of Distraint ...

Penalty of ten percent on amount due ...

and forthwith to certify to me, together with this warrant, all particulars of the goods distrained by you thereunder.

Dated day 19

Sarpanch/Dy. Sarpanch/Chief Executive Officer/Authorised Officer:

FORM V

[See rule 9 (1) (iii)]

Form of Inventory and Notice of Sale

To

A. B., residing at

Take notice that I have this day of distrained the goods, and chattels specified in the inventory hereunder for the value of due from on account of tax/fee together with Rs. due as fee for service of notice of demand, fee for warrant of distraint and that unless within seven days from the date of this notice you pay into the office of the Panchayat of/office of Zilla Panchayat at the said amount together with the cost of recovery, the said goods and chattels will be sold.

Dated this day of 19

Secretary of the Village Panchayat of/Chief Executive Officer/Authorised Officer of Zilla Panchayat

Inventory of Articles

Approx. Value

Particulars of items seized

Secretary of the Village Panchayat of/Chief Executive Officer/Authorised Officer of Zilla Panchayat

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Jt. Secretary.

Panaji, 10th March, 1999.